

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

KINTE VANNESS GARNER, #19246-078	§	
VS.	§	CIVIL ACTION NO. 6:18CV145
UNITED STATES OF AMERICA	§	CRIMINAL NO. 6:11CR00102-002

ORDER OF DISMISSAL

The above-styled and numbered civil action was heretofore referred to United States Magistrate Judge K. Nicole Mitchell. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration (Docket No. 10). No objections having been timely filed. The Court agrees with the Magistrate Judge that Petitioner's motion is time-barred and that Petitioner has not shown he is entitled to statutory or equitable tolling. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and, therefore, **ADOPTS** the same as the findings and conclusions of the Court. It is therefore

ORDERED that Garner's motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255 is **DENIED** and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. All motions not previously ruled on are **DENIED**.

The Clerk of the Court is directed to close this case.

SIGNED this 2nd day of October, 2018.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE